

REMARKS

From their review of the Office Action issued September 6, 2005, Applicants respectfully note the indicated allowability of claims 10-17 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants will so amend claims 10-17 if the base claims are finally deemed not to be allowable. However, it appears to Applicants that the base claim and all intervening claims should be allowed since none of the cited references anticipate or render obvious the subject matter set forth in claims 1-9 and 18-20. Specifically, **none** of the cited references teaches or suggests:

- (A) a volume adjusting means (22) for axially moving a volume setting member (32) and comprising fine (35) and coarse (34) volume setting means respectively responsive to relatively large and small turnings of a volume adjusting member (33) to sequentially move the volume setting member (32) relatively small and large distances, respectively, as defined in Applicants claim 1,
- (B) means coupling the coarse (34) and fine (35) volume setting means for sequential operation as defined in Applicants claim 2,
- (C) one of the coarse or fine (35) volume setting means having a force threshold for movement of the volume setting member ((32) as defined in Applicants claims 3, 18, 19 and 20,

(D) means supporting the volume setting member (32) for axial movement in response to a sequential turning of the volume adjusting member (33) to produce a fine adjustment and a coarse adjustment of the volume setting of a pipette as defined in Applicants claims 6, 7 and 9, or

(E) a fine adjustment limiter (60) on one of the volume adjusting member (33) or a screw (52) and a shoulder (61) on another of the volume adjusting member (33) or the screw (52) as defined in Applicants claim 8.

As to the cited patent references, the '298 patent describes at column 2, lines 19-43 and column 3, lines 10-58, different structures and operations for the calibration and volume adjustment of a pipette. Coarse and fine volume adjustment by turning of the knob 5 is not taught or suggested by the '298 patent. Accordingly, Applicants respectfully submit (i) that the '298 patent does not teach their claimed fine and coarse volume setting means respectively responsive to relatively large and small turnings of a volume adjustment member for selectively moving a volume setting member relatively small and large axial distances respectively and (ii) that therefore, the rejection of claims 1-3, 6-9 and 18-20 under 35 U.S.C. 102(b) based upon the '298 patent should be withdrawn.

In sections “[0035]” - “[0037]” the patent publication 2002/044183 disclose a pipette including an upper stop defined by a nut 6 engaging an upper stop 8. The axial location of the nut 6 relative to a shaft 3 is set by turning the shaft to move the shaft up and down relative to the nut. **A separate system is employed to adjust a lower stop.** In particular, a lower stop (upper surface of retainer 10) is adjusted axially by a turning of a fine adjustment sleeve 12. Thus, there is no teaching in the patent publication of a sequential fine and coarse volume adjustment in response to a turning of a volume adjustment member. Accordingly, Applicants submit (i) that the patent publication does not teach their claimed fine and coarse volume setting means respectively responsive to relatively large and small turnings of a volume adjustment member for selectively moving a volume setting member relatively small and large axial distances respectively and (ii) that therefore, the rejection of claims 1-3, 6-9 and 18-20 under 35 U.S.C. 102(b) based upon the patent publication should be withdrawn.

Finally, the '750 patent shows and describes a manual pipette featuring rapid coarse volume adjustment by axial movement of a plunger and a nut when the nut is released from a housing for the pipette and fine volume adjustment by a turning of the plunger when the nut is secured relative to the housing.

Sequential fine and coarse volume adjustment in response to a turning of the plunger is not taught by the '750 patent. Accordingly, Applicants submit (i) that the '750 patent does not

teach their claimed fine and coarse volume setting means respectively responsive to relatively large and small turnings of a volume adjustment member for selectively moving a volume setting member relatively small and large axial distances respectively and (ii) that therefore, the rejection of claims 1-9 and 18-20 under 35 U.S.C. 102(b) based upon the '750 patent should be withdrawn.

Accordingly, Applicants submit that each of claims 1-9 and 18-20 defines patentably over all cited references and respectfully request reconsideration of the rejection of claims 1-9 and 18-20 under 35 U.S.C. 102(b) and the issuance of a notice of allowance as to all of claims 1-20.

Respectively submitted,



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